

Application No. : 10/780,350
Filed : February 16, 2004

REMARKS

Claims 87-206 were pending in the application. No claim additions or deletions have been made by this amendment. Claims 87, 106, 125, 153-161, 170, 187-189, and 202-206 have 5 been amended. Hence, Claims 87-206 are presented for examination herein.

Amendments to Specification

The application number of the related application was supplied in the introductory paragraph.

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35 U.S.C. 112 Rejections

The Examiner stated that the limitations in Claims 87, 106, 125, and 161 after "function to" lack sufficient structure to perform the function. To overcome these rejections, for example, in Claim 87 Applicant has added made the following amendments:

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"a computer readable medium that stores instructions:

a set of digital circuits that includes a processor, wherein the processor executes the instructions to enable the set of digital circuits to cooperatively function to:"

20 Similar types of amendments were made in Claims 106, 125, and 161. Applicant respectfully submits that the lacking structure has been added because the computer program embodied in the instructions executed by the processor to control the digital circuits adds the structure that was previously lacking. Applicant therefore submits that the 35 USC 112(2) rejections have been overcome. Applicant has also made similar amendments in various 25 dependent claims to add in specific structural limitations where similar functional language was identified by Applicant.

35 U.S.C. 101 Rejections

Applicant has amended all the independent claims as follows: "a computer readable 30 medium that stores instructions"; As discussed in connection with the 35 U.S.C. 112(2)

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rejection above, the claims have also been amended to provide a structural relationship between the stored instructions and the functions carried out in the claimed devices, e.g., in Claim 87, the following amendment was made: "a set of digital circuits that includes a processor, wherein the processor executes the instructions to enable the set of digital circuits to cooperatively function

5 to:" Applicant respectfully submits that these claim amendments overcome the 35 U.S.C. 101 rejections because the claims in their amended form define structural and functional interrelationships between the computer program and the computer readable medium, which permit the computer program's functionality to be realized.

10 *Other Amendments:*

(Because this is an unpublished application, in this section, I use the parent application, US Patent, 6,714,536 ('536 patent) to cite into the specification.)

15 Applicant made other minor or editorial amendments to clarify the claims by removing some minor drafting errors, making editorial changes, or modifying the claim language to more clearly recite those aspects of the invention seeking to be claimed by Applicant in the present application.

For example, to more clearly recite the aspect of the invention being claimed, in Claim 125, the phrase "public switched telephone network" was changed to "telephone network." This was done because the specification, e.g., the '536 patent states: "With the recent advent of 20 internet telephony gateway servers, some PSTN calls may be partially carried over an internet to avoid tolls." 536 patent at col. 1, lines 60-62. Although the term "public switched telephone network" is believed to include calls partially routed over an internet, Applicant submits that the term "telephone network" more clearly recites this aspect of the invention. Further, the claim language "wherein the public switched telephone network is characterized in that it determines a 25 route for an outgoing communication to follow in order for the outgoing communication to be delivered to the recipient telephony subscriber endpoint device based upon the telephone number dialing digits" has been changed to "wherein the outgoing communication follows a route at least partially through the telephone network to the recipient telephony subscriber endpoint device based upon the telephone number dialing digits" in order to encompass the case where the calls 30 are partially routed over an internet.

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Similarly, in Claim 161, the packet switched network and telephony network "switching infrastructure" language was changed to just refer to the packet switched network and telephony network. This is because the term "switching infrastructure" might be construed by different people to mean different things, and thus the newer language is more definite.

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Sister Case (10/834,557) – similar amendments made and terminal disclaimers filed

While this case includes apparatus / device oriented claims, the sister case, i.e., 10/834,557 (priority date 7/21/1998) contains method claims similar to the claims in this application, but not with identical claim scope. A terminal disclaimer has been filed in the instant case relative to the 10 sister case, and a terminal disclaimer has been filed in the sister case relative to the instant case. Moreover, a supplemental preliminary amendment has been filed in the sister case on an even date herewith so that the claims in the sister case are amended similarly to the claims in the present case, 15 as appropriate. Applicant respectfully submits that the claims in the sister case are in condition for allowance and that the results of prior art searching and examination in the instant case would be applicable to the sister case.

Other Remarks

Applicant respectfully submits that the Examiner's rejections have been overcome and that the claims in this case are in condition for allowance over all art of record. Applicant 20 respectfully requests the examiner to issue a notice of allowance at the earliest convenience. Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

Applicant notes that any claim additions or cancellations made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for 25 purposes of overcoming art or for patentability or narrowing the claims. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such additions or cancellations.

Furthermore, any remarks made with respect to a particular claim or claims are intended 30 to be limited only to such claim or claims.

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If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (305) 735-8533.

Respectfully submitted,

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10 Dated: November 6, 2006

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